

In the
Indiana Supreme Court

In the Matter of the Approval of Local
Rules for Clay County

Supreme Court Case No.
25S-MS-322



Order Approving Amended Local Rules

The Judges of the Clay Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Administrative Rule 1(E) and for special judge assignments in accordance with Trial Rule 79 and Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Clay Circuit and Superior Courts, this Court finds that the proposed amendments to LR11-AR01-2 comply with the requirements of Administrative Rule 1(E), the amendments to LR11-TR79-01 comply with Trial Rule 79, and the amendments to LR11-CR2.4-2 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR11-AR01-2, LR11-TR79-01, and LR11-CR2.4-2 for the Clay Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2026.

Done at Indianapolis, Indiana, on 11/26/2025.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR11-CR2.4-2 CRIMINAL CASE ASSIGNMENT/CR 2.4, AR 1(E), AND AR 21.

- A. All criminal cases shall be assigned and allocated to the Clay Circuit and Superior courts in accordance with LR11-AR01-2.
- B. A judge of the Circuit or Superior courts, by appropriate order entered in the record of judgments and orders may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.
- C. When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.
- D. In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the court of initial assignment.
- E. Once a criminal case is assigned, if it must be reassigned due to a conflict arising from the sitting judge's previous service as the Prosecuting Attorney in Clay County, the Clerk shall reassign the case to a Senior Judge. If in these cases a Senior Judge is unable to serve, and in all other cases, it may be re-assigned under Administrative Rule 21 equally and randomly as follows:
 - 1. Any judge or magistrate of the Vigo circuit and superior courts;
 - 2. Any judge or magistrate of the Putnam circuit and superior courts;
 - 3. Any judge of the Owen circuit and superior courts;
 - 4. The judge of the Parke Circuit Court;
 - 5. Any judge or magistrate of the Greene superior and circuit courts;
 - 6. Any judge or magistrate of the Sullivan circuit and superior courts
- F. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court make such appointment.

A. **Criminal cases** shall be filed pursuant to LR11-CR2.4-2 and as follows:

1. **Murder and A, B, and C, and Level 1, 2, 3, and Level 4 felony cases:** The Clerk shall equally assign and allocate between the Clay Circuit Court and the Clay Superior Court criminal cases identified as murder (MR); and all felonies filed as A(FA), B(FB) and C(FC), as well as designations for Level 1, 2, 3 and 4 Felonies; except that no Felony cases involving Operating under the influence of alcohol and/or drugs and driving above the legal limit shall be filed in the Clay Circuit Court.
2. **D felony cases and Level 5 and 6 Felony offenses:** The Clerk shall equally assign and allocate between the Clay Circuit Court and the Clay Superior Court all criminal cases identified as D Felonies (FD) as well as Level 5 and Level 6 felony offenses; except that no Felony cases involving Operating under the influence of alcohol and/or drugs and driving above the legal limit shall be filed in the Clay Circuit Court.
3. **Post-Conviction Relief Cases:** The Clerk shall assign and allocate any post-conviction relief cases to the original court of criminal jurisdiction for which the post-conviction relief is based; however, the Clerk shall assign a civil cause number to the Post-Conviction Relief cases.
4. **A, B, and C Misdemeanor cases:** All misdemeanor cases shall be assigned to the Clay Superior Court if the highest-level charge filed is a misdemeanor.
5. **Miscellaneous Criminal Cases:** The Clerk shall equally assign and allocate between the Clay Circuit Court and Clay Superior Court all criminal cases identified as miscellaneous criminal (MC), and criminal red flag (RF).

B. **Traffic and Ordinance Violation cases:** The Clerk shall assign all cases designated traffic (IF) and ordinance violation (OV) to the Clay Superior Court.

C. **Juvenile Cases:** The Clerk shall assign all cases designated juvenile cases identified as JC, JD, JM, JS, JP, and JT to the Clay Circuit Court.

D. Estate/Guardianship/Trusts/Adoption: The Clerk shall assign all cases designated as estate (ES, EU, and EM), guardianship (GU), trusts (TR), and adoption (AD and AH) to the Clay Circuit Court.

E. Other Civil cases shall be filed as follows:

1. The Clerk shall equally assign and allocate between the Clay Circuit Court and the Clay Superior Court other civil cases identified as mortgage foreclosure (MF), eviction (EV), civil collection (CC), dissolution of marriage/separation (DR), grandparent visitation (GV), miscellaneous civil (MI), court business (CB), mental health (MH); civil red flag (RF), and judicial review of administrative agency decisions (RA).
2. The Clerk shall assign all plenary (PL) and commercial court eligible (CE) cases to the Clay Superior Court arising out of counterclaims initially filed in the small claims division of the Clay Superior Court.
3. The Clerk shall assign and allocate civil cases identified as civil tort (CT) as follows:
 - A. Two-thirds to Clay Circuit Court;
 - B. One third to the Clay Superior Court
4. The Clerk shall assign all cases identified as reciprocal support (RS) to the Clay Circuit Court.
5. The Clerk shall assign all cases identified as small claims (SC), including small claims eviction cases (EV), to the Clay Superior Court.
6. All adult protective orders (PO) shall be assigned to the Clay Superior Court.
7. This rule does not preclude the following findings in the Clay Circuit Court. Petitions for protective orders (PO) cause numbers when litigation between the same parties is pending in the Clay Circuit Court. All Felonies (MR, F1, F2, F3, F4, and F5) cause numbers when the same Defendant has a more serious criminal charge pending in either the Clay Circuit Court or Clay Superior Court than in that event a new charge shall be filed in the Court with pending more serious charges.

8. As in the past, the Clay County Judges shall continue to cooperate with one another to insure the effective and efficient administration of justice by assisting one another with hearings, should they be available to do so.

LR11-TR79-01 SELECTION OF A SPECIAL JUDGE PURSUANT TO TR 79(H)

- A. The Presiding Judge in Administrative District 19 shall administer reassignment of cases pursuant to T.R. 79(H). The Presiding Judge shall be selected from the sitting Judges and Magistrates in District 19. The initial Presiding Judge's term shall commence April 1, 2013, and terminate December 31, 2013. All subsequent terms shall be for a calendar year. Should the Presiding Judge leave the bench during the term, a successor Judge shall be selected to fulfill the balance of that term as well as the entirety of the next term. A Judge may not refuse to serve as Presiding Judge.
- B. During his or her term of service, the Presiding Judge shall maintain a record of the cause number of each case certified for reassignment and appointment of a special judge, the Judge who certified the case, and the Judge to whom the case was reassigned. The Presiding Judge shall submit a written semi-annual report to all District 19 Judges and Magistrates no more than ten (10) days following the end of the first and third quarters of each calendar year. The Presiding Judge may assign administrative duties to local court support staff to assist in fulfilling these responsibilities. The Presiding Judge shall transfer the records maintained during his or her term of service to the succeeding Presiding Judge.
- C. Pursuant to Trial Rule 79(H), the District Judges and Magistrates shall certify to the Presiding Judge cases for reassignment and special judge appointment. The certification shall include a prepared order of appointment, as exhibited in Appendix A. When the Presiding Judge receives a certification requiring reassignment, the Presiding Judge shall appoint a full-time judicial officer in the following manner:
 1. At the beginning of each calendar year, the Presiding Judge shall create a list of all full-time judicial officers in District 19. The District will follow the principle that each full-time judicial officer will receive a new case for each case from which he or she has been removed- a one- off, one-on formula. Upon receiving a certification, the Presiding Judge shall assign the case to the first eligible full-time judicial officer on the list.

The order of appointment shall be filed in the court where the case originated. The order of appointment shall constitute acceptance, and neither oath nor additional evidence of acceptance is required.

- D. A Senior Judge may elect to participate in District 19 special judge selection by submitting a written petition to the Presiding Judge no later than January 15 of any calendar year indicating that the Senior Judge wishes to participate during the year.
- E. When a full-time judicial officer vacates the bench and is certified as a Senior Judge that judicial officer shall retain jurisdiction of all previously existing Special Judge Cases as provided by Administrative Rule 5. In the event the full-time judicial officer vacates the bench and is not certified as a Senior Judge or is unavailable as indicated under Trial Rule 79(L), then the successor full-time judicial officer shall assume jurisdiction over all previous Special Judge Cases of the vacating judicial officer. The county's judicial personnel shall first attempt to absorb conflicts of interest of the Successor Judge within the county without undue hardship.
- F. If no full-time judicial officer is eligible to serve as a Special Judge, or if the Presiding Judge determines the selection of a Special Judge by the Indiana Supreme Court is warranted under the particular circumstances of a case, the Presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.